

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

MARQUIS TILMAN

PLAINTIFF

V.

Civil Action No.: 2:20-cv-10-KS-MTP

CLARKE COUNTY, SHERIFF TODD  
KEMP, IN HIS INDIVIDUAL AND  
OFFICIAL CAPACITY, DEPUTY  
BENJAMIN IVY, IN HIS INDIVIDUAL  
AND OFFICIAL CAPACITIES, AND  
DEPUTY "JOHN DOES" 1-5, IN THEIR  
INDIVIDUAL AND OFFICIAL CAPACITIES  
REPRESENTING DEPUTIES OF THE  
CLARKE COUNTY SHERIFF'S  
DEPARTMENT AND/OR OTHER  
EMPLOYEES, INCLUDING SUPERVISORY  
OFFICIALS WHOSE IDENTITIES ARE  
CURRENTLY UNKNOWN

DEFENDANTS

JOINDER OF DEPUTY ANTHONY CHANCELOR,  
DEPUTY RYAN EVANS, DEPUTY AUSTIN TOUCHSTONE,  
DEPUTY JUSTIN RAWSON AND DEPUTY BILLY LEWIS ON MOTION  
FOR JUDGMENT ON THE PLEADINGS, MEMORANDUM OF  
AUTHORITIES IN SUPPORT OF MOTION FOR JUDGMENT  
ON THE PLEADINGS AND REPLY TO PLAINTIFF'S RESPONSE  
IN OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS

Come now Defendants, Deputies Anthony Chancelor, Ryan Evans, Austin Touchstone, Justin Rawson, and Billy Lewis, by and through counsel, and, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, join in the Motion for Judgment on the Pleadings (CM/ECF Doc. No. 17), Memorandum of Authorities in Support Motion for Judgment on the Pleadings (CM/ECF Doc. No. 18), and Reply to Plaintiff's Response in Opposition to Motion for Judgment on the Pleadings (CM/ECF Doc. No. 31) filed by

Clarke County, Mississippi, Sheriff Todd Kemp, and Deputy Benjamin Ivy, and in support thereof state as follows:

1. Plaintiff Marquis Tilman filed this action on January 21, 2020, alleging that Clarke County law enforcement “brutally” beat Plaintiff and denied him medical care following a March 25, 2019, vehicular pursuit. *CM/ECF Doc. No. 1*, ¶ 8.

2. On February 25, 2020, Clarke County, Sheriff Todd Kemp and Deputy Ivy filed their Answer in this matter. *CM/ECF Doc. No. 6*.

3. On May 8, 2020, Plaintiff filed his Amended Complaint (*CM/ECF Doc No. 14*) alleging claims against additional defendants including Deputies Anthony Chancellor, Ryan Evans, Austin Touchstone, Justin Rawson, and Billy Lewis in their individual and official capacities. *CM/ECF Doc No. 14*.

4. On May 22, 2020, Clarke County, Sheriff Todd Kemp and Deputy Ivy answered Plaintiff’s Amended Complaint. *CM/ECF Doc. No. 16*. Thereafter, on June 3, 2020, Clarke County, Sheriff Kemp and Deputy Ivy filed their Motion for Judgment on the Pleadings and Memorandum of Authorities in Support of Motion for Judgment on the Pleadings. *CM/ECF Doc. No. 17-18*.

5. On June 24, 2020, moving defendants answered Plaintiff’s Amended Complaint. *CM/ECF Doc. No. 26*.

6. Movants would now **join in** and incorporate by reference each and every allegation and argument made in Clarke County, Sheriff Kemp and Deputy Ivy’s Motion for Judgment on the Pleadings (*CM/ECF Doc. No. 17*), Memorandum of Authorities in Support Motion for Judgment on the Pleadings (*CM/ECF Doc. No. 18*) and

Reply to Plaintiff's Response in Opposition to Motion for Judgment on the Pleadings (CM/ECF Doc. No. 31).

7. Plaintiff made certain concessions in his Response in Opposition to Defendants' Motion for Judgment on the Pleadings (CM/ECF Doc. No. 27) that this Court should likewise apply to the newly-named Defendants. Namely that official capacity claims against deputies, the Eighth Amendment claims, the negligence claims, any claims arising out of Plaintiff's collision with Deputy Chancellor's patrol car, and the assault and battery claims are all proper for dismissal. CM/ECF Doc. No. 28, pp. 7-8; CM/ECF Doc. No. 27, p. 2, 6.

8. Since Plaintiff does not distinguish the newly-named Defendant deputies from Deputy Ivy in his Amended Complaint, the concessions made respecting Deputy Ivy should also apply to the newly-named Defendant deputies.

9. WHEREFORE, PREMISES CONSIDERED, Defendants, Deputies Anthony Chancellor, Ryan Evans, Austin Touchstone, Justin Rawson, and Billy Lewis, **join in** and incorporate by reference each and every allegation and argument made in Clarke County, Sheriff Kemp and Deputy Ivy's Motion for Judgment on the Pleadings (CM/ECF Doc. No. 17), Memorandum of Authorities in Support Motion for Judgment on the Pleadings (CM/ECF Doc. No. 18) and Reply to Plaintiff's Response in Opposition to Motion for Judgment on the Pleadings (CM/ECF Doc. No. 31).

**DATE: July 8, 2020.**

Respectfully submitted,

**ANTHONY CHANCELOR,  
RYAN EVANS, AUSTIN  
TOUCHSTONE, JUSTIN  
RAWSON, AND BILLY LEWIS**

By: /s/ Jessica S. Malone  
One of Their Attorneys

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**CERTIFICATE OF SERVICE**

I, the undersigned, of Allen, Allen, Breeland & Allen, PLLC, one of the attorneys of record for Defendants, Deputies Anthony Chancellor, Ryan Evans, Austin Touchstone, Justin Rawson, and Billy Lewis, hereby certify that I have this day I electronically filed the above Joinder with the Clerk of the Court using the ECF system which gave notification of the same to the following:

Carlos E. Moore  
The Cochran Firm-MS Delta  
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This the 8<sup>th</sup> day of July, 2020.

/s/ Jessica S. Malone  
OF COUNSEL